

APR 23 2008  
U.S. DISTRICT JUDGE  
S.D.N.Y.

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Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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April 18, 2008

**BY FIRST CLASS MAIL**

Honorable Harold Baer  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Dennis Vega v. City of New York, et al. 08 Civ. 1134 (HB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter.<sup>1</sup> Without appearing or making any representations on behalf of the individually named Undercover Police Officer # 4847 as to the adequacy of service or otherwise, I write to respectfully request that his time to respond to the complaint in this action be extended from April 21, 2008 until May 5, 2008, in order to ensure that his defenses are not jeopardized while this office continues its efforts to locate him. Plaintiff's counsel, Steven Hoffner, Esq., consents to this request.

Such an enlargement should allow time for this office to locate the individually named defendant and determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent him. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision

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<sup>1</sup> Defendant City of New York will file its answer to plaintiff's complaint by April 21, 2008, pursuant to Your Honor's February 29, 2008 Order.

Defendant City previously requested an enlargement of time to answer or otherwise respond to the complaint from February 25, 2008 until April 21, 2008. Your Honor granted that request. At this time, this office respectfully requests that defendant Undercover Police Officer # 4847's time to answer or otherwise respond to the complaint be extended to May 5, 2008. Such an enlargement of time would not effect any other dates as previously set by the Court in Your Honor's April 3, 2008 Scheduling Order.

Thank you for your consideration herein.

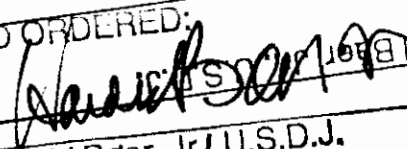
Respectfully submitted,



Shawn D. Fabian (SF4606)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Steven Hoffner, Esq. (By First Class Mail)  
Attorney for Plaintiff  
350 Broadway, Suite 1105  
New York, New York 10013

*Time to answer or move  
for # 4847 is extended to  
May 5, 08. The PTSO remains  
as set.*

CO-ORDERED:  
  
Harold Baer, Jr., U.S.D.J.  
CO-ORDERED: 4/23/08

Endorsement:

Time to answer or move for #4847 is extended to May 5, 2008.  
The PTSO remains in effect.